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ARNOLD & PORTER

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[Signature]



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May 6, 2002

Commissioner for Patents
Washington, DC 20231

ATTN: BOX MISSING PARTS

Re: U.S. Patent Application No. 10/024,632
Filed: December 19, 2001
For: **Nucleic Acid Molecules Associated With Plant Cell Proliferation and Growth and Uses Thereof**
Inventors: Steve S. HE *et al.*
Our Ref: 38-21(51837)B

Sir:

Transmitted herewith are the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted dated March 5, 2002;
2. Preliminary Amendment and Response to Notice to File Missing Parts, including renumbered Figures 3-18;
3. Check No. 201031 for \$1,748.00 to cover: (\$740.00) Basic Filing fee; (\$756.00) Independent claims in excess of 3; and (\$252.00) Total claims in excess of 20; and
4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents, and that it be returned to our courier.

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Commissioner for Patents

May 6, 2002

Page 2

The Commissioner is requested to charge the late filing fee of \$130.00 to our Deposit Account No. 50-1824.

Applicants do not believe that any additional fees are due in connection with this filing. However, if any additional charges are required, including extension of time fees, Applicants hereby authorize the Commissioner to charge any fee deficiency and/or credit any overpayment, to our Deposit Account No. 50-1824, referencing matter number 16517.001/38-21(51837)B. A duplicate copy of this letter is attached.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

June E. Cohan (Reg. No. 43,741)

Holly Logue Pritz (Reg. No. 47,755)

Attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20531
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/024,632	12/19/2001	Steve Sichuan He	38-21(51837)B

CONFIRMATION NO. 8916

FORMALITIES LETTER



0C00000007580651

Lawrence M. Lavin, Jr.
 Patent Department, E2NA
 Monsanto Company
 800 N. Lindbergh Boulevard
 St. Louis, MO 63167

Docketed *Response*
 Due Date May 5 2002
 Initial BS

Date Mailed: 03/05/2002



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1008.
 - \$252 for 14 total claims over 20.
 - \$756 for 9 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1878.

05/07/2002 NICHOLAS 00000046 501824 10024632

The following item(s) appear to have been omitted from the application

01 FC:101	710.00	DP
02 FC:103	252.00	DP
03 FC:102	756.00	DP
04 FC:105	130.00	CH

- Figure(s) 3 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE